



## Appendix A

### LEGISLATION

#### 8. Cape Lookout

**An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes. (80 Stat. 33)**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve for public use and enjoyment an area in the State of North Carolina possessing outstanding natural and recreational values, there is hereby authorized to be established the Cape Lookout National Seashore (hereinafter referred to as "seashore"), which shall comprise the lands and adjoining marshlands and waters on the outer banks of Carteret County, North Carolina, between Ocracoke Inlet and Beaufort Inlet, as generally depicted on the map entitled "Proposed Boundaries—Proposed Cape Lookout National Seashore", dated April 1964, and numbered NS-CL-7101-B, which is on file in the Office of the National Park Service, Department of the Interior: *Provided, however,* That such seashore shall not include those lands and interests in lands which are bounded on the north by the southerly boundary of the Cape Lookout lighthouse property, on the east by a line located seven hundred and fifty feet inland from the mean high water line of the Atlantic Ocean, on the south by the northerly boundary of property now owned or leased by the United States Coast Guard and other Federal agencies, and on the west by the easterly boundary of property of the Thomas Gold heirs (as shown on a map prepared by J. G. Hassel in October 1961 and recorded at page 4 of Map Book Numbered 6 in the office of the Register of Deeds, Carteret County, North Carolina) and the waters of Lookout Bight.

SEC. 2. (a) Notwithstanding any other provision of law, Federal property located within the boundaries of the Cape Lookout National Seashore may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior for the purposes of the seashore. Such transfer shall be made without transfer of funds. Non-Federal lands, marshlands, waters, or interests therein located within the authorized seashore may be acquired by the Secretary of the Interior only through donation, except that he may purchase with donated or appropriated funds, or may acquire by exchange, the lands, marshlands, and waters or interests therein comprising the Shackleford Banks. Land donated by the State of North Carolina pursuant to this subsection shall constitute consideration for the transfer by the United States of 1.5 acres of land that is to be used as a site for a public

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health facility in the village of Hatteras, Dare County, North Carolina.

(b) When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore and convey to the grantor of such property any federally owned property in the State of North Carolina under his jurisdiction which he classifies as proper for exchange or other disposition. Failing to effectuate an exchange of properties of approximately equal fair market value, the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(c) Any person who on January 1, 1966, owned property which on July 1, 1963, was developed and used for noncommercial residential purposes may reserve for himself and his assigns, as a condition to the purchase or acquisition by exchange of such property by the Secretary, a right of use and occupancy of the residence and not in excess of three acres of land on which the residence is situated, for noncommercial residential purposes for a term ending at the death of the owner, or the death of his spouse, or the death of either of them, or, in lieu thereof, for a definite term not to exceed twenty-five years: *Provided*, That the Secretary may exclude from such reserved property any marsh, beach, or waters, together with so much of the land adjoining such marsh, beach, or waters as he deems necessary for public access thereto. The owner shall elect the term of the right to be reserved. The Secretary is authorized to accept donations of property for purposes of the seashore in which a right of use and occupancy for noncommercial residential purposes is reserved for the period stated in this subsection if the land on which the residence is situated and to which the right attaches is not in excess of three acres and there is excluded from the reserved property such marsh, beach, or waters and adjoining land as the Secretary deems necessary for public use and access thereto.

(d) A right of use and occupancy reserved in lands that are donated or otherwise acquired pursuant to this section shall be subject to termination by the Secretary upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(e) The Secretary of the Interior is authorized to purchase with donated or appropriated funds, or acquire by exchange, not to exceed one hundred acres of lands or interests in lands at or near Beaufort, North Carolina, as an administrative site, and for a landing dock and re-

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lated facilities that may be used to provide a suitable approach or access to the seashore.

SEC. 3. When title to the lands and interests in lands which under section 2(a) of this Act may be acquired for the purposes of the seashore by donation only is vested in the United States, the Secretary shall declare the establishment of the Cape Lookout National Seashore by publication of notice thereof in the Federal Register. Such notice shall contain a refined description or map of the boundaries of the seashore as the Secretary may find desirable and such exterior boundaries shall encompass, as nearly as possible, the area generally described in section 1 of this Act. Copies of said description or map shall be furnished to the Speaker of the House and the President of the Senate not less than thirty days prior to publication in the Federal Register. Following such establishment, and subject to the limitations and conditions prescribed in this Act, the Secretary may, subject to the provisions of section 2 hereof, acquire the remainder of the lands and interests in lands within the boundaries of the seashore.

SEC. 4. The Secretary shall permit hunting and fishing, including shellfishing, on lands, marshlands, and waters under his jurisdiction within the Cape Lookout National Seashore in accordance with the laws of the State of North Carolina and the United States, to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any rules and regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the North Carolina Wildlife Resources Commission and the North Carolina Department of Conservation and Development.

SEC. 5. The Secretary shall administer the Cape Lookout National Seashore for the general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

SEC. 6. The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures within the Cape Lookout National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the

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Army, and that is consistent with the purposes of this Act.

SEC. 7. There are hereby authorized to be appropriated not to exceed \$3,200,000 for the acquisition and development of the seashore in accordance with the purposes of this Act.

Approved March 10, 1966.

*Legislative History*

House Report No. 1278 accompanying H.R. 1784 (Committee on Interior and Insular Affairs).

Senate Report No. 509 (Committee on Interior and Insular Affairs).  
Congressional Record :

Vol. 111 (1965) : July 27, considered and passed Senate.

Vol. 112 (1966) :

Feb. 16, considered and passed House, amended, in lieu of H.R. 1784.

Feb. 23, Senate concurred in House amendment with an amendment.

Feb. 28, House concurred in Senate amendment.



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## NATIONAL PARK SERVICE LAWS

## 4. Cape Lookout

**An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, to authorize appropriations for additional costs of land acquisition for the National Park System, and for other purposes. (88 Stat. 1445) (P.L. 93-477)**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE IV—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

## CAPE LOOKOUT NATIONAL SEASHORE

SEC. 406. The Act of March 10, 1966 (80 Stat. 33; 16 U.S.C. 459g) providing for the establishment of Cape Lookout National Seashore in the State of North Carolina is amended as follows:

(1) Section 1 is amended by deleting "Proposed Boundaries—Proposed Cape Lookout National Seashore", dated April 1964, and numbered NS-CL-7101-B," and substituting in lieu thereof "Boundary Map, Cape Lookout National Seashore", dated March 1974, and numbered 623-20,009," and by changing the colon to a period and deleting the remainder of the section.

(2) Subsection 2(a) is amended by deleting the third sentence and inserting in lieu thereof the following: "Lands owned by the State of North Carolina or any political subdivision thereof may be acquired only by donation, but the Secretary may, subject to the provisions of section 7 of this Act, acquire any other non-Federal lands, marshlands, waters, or interests therein which are located within the boundaries of the seashore by donation, purchase with donated or appropriated funds, or exchange. Notwithstanding any other provision of law, the Secretary may accept any lands donated by the State of North Carolina subject to a provision for reversion to the State conditioned upon continued use of the property for national seashore purposes."

(3) Section 3 is amended by revising the first sentence to read as follows: "When title to lands and interests in lands in an amount sufficient to constitute an efficiently administerable unit for the purposes of this Act is vested in the United States, the Secretary shall declare the establishment of the seashore by publication of notice thereof in the Federal Register."

(4) Section 7 is amended to read as follows:

"SEC. 7. On or before January 1, 1978, the Secretary shall review the area within the seashore and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C.

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1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the seashore for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.”

(5) Add a new section 8 to read as follows:

“SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed \$7,903,000 for acquisition of lands and interests therein, of which no more than \$1,000,000 may be expended for acquisition of lands owned by Core Banks Club Properties, Incorporated. For development of essential public facilities there are authorized to be appropriated not more than \$2,935,000. On or before January 1, 1978, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of this Act, indicating—

“ (1) the facilities needed to accommodate the health, safety and recreation needs of the visiting public;

“ (2) the location and estimated cost of all facilities; and

“ (3) the projected need for any additional facilities within the seashore.”

\* \* \* \* \*

Approved October 26, 1974.



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## Appendix C

### REFERENCES

#### List of References

- Au, Shu-fun. 1974. Vegetation and ecological processes on Shackleford Banks, North Carolina. National Park Service Scientific Monograph Series No. 6. 86 pp.
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- National Park Service. 1995 Draft Environmental Assessment: Alternative for Managing the Feral Horse Herd on Shackleford Banks, Cape Lookout National Seashore.
- National Park Service. 1995. Proceedings of the National Park Service Atlantic Coast Piping Plover Conference. Assateague Island National Seashore, 7206 National Seashore Lane, Berlin, Maryland, 21811. 55 pp.
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- U.S. Fish and Wildlife Service. 1988. Atlantic Coast Piping Plover Recovery Plan. U.S. Fish and Wildlife Service, Newton Corner, MA. 77pp.

#### World Wide Web Sources of Information

America's National Wildlife Refuges... Where Wildlife Comes Naturally! Seabeach Amaranth. IV. Threats and Population Limiting Factors. At <http://bluegoose.arw.r9.fws.gov/NWRSFiles/WildlifeMgmt/Spec.../SeabeachAmaranthRec.htm>

Coastal Wetlands: Get to Know Them. At <http://dcm2.chnr.state.nc.us/Wetlandsknow.htm>

Cox, Vernon N., Leon E. Danielson, and Dana L. Hoag. Wetland Regulation in North Carolina. Resource Economic and Policy,

Applied Resource Economics and Policy Group, Department of Agricultural and Resource Economics, North Carolina State University, Raleigh, NC. At <http://www.bae.ncsu.edu/bae/programs/extension/publicat/arep/wetlands.html>

Developing Under CAMA: AECs. At <http://dcm2.ehnr.state.nc.us/Rules&Permits/develop1.htm>

Holland, F. Ross. 1968. A survey history of Cape Lookout National Seashore. Division of History, National Park Service, U.S. Department of the Interior. 63 pp.

How Soils Influence Water Quality: Erosion and Sedimentation at <http://ces.soil.ncsu.edu/soilscience/publications/Soilfacts/AG-439-01/body.htm>

National Weather Service Office. 1999. North Carolina's Southern Coastal Weather Averages: Ocracoke Island to Wilmington. Newport, NC at <http://www.icw-net.com/weather/clochart.htm>

The Value of Wetlands at <http://ces.soil.edu/soilscience/publications/Soilfacts/AG-439-26/body.htm>

Wetland Conservation Plan. At [http://dcm2.ehnr.state.nc.us/Wetlands/wetland\\_conservation\\_plan.htm](http://dcm2.ehnr.state.nc.us/Wetlands/wetland_conservation_plan.htm)

### **Compliance Requirements**

Cape Lookout National Seashore must comply with the following laws.

1. North Carolina Coastal Area Management Act (CAMA) of 1974. Regulated by Division of Coastal Management. Cape Lookout National Seashore is an Area of Environmental Concern (AEC) and the proposed development will require review by the Coastal Resources Commission.
2. Water Resources Development Act of 1976 (P.L. 94-587)
3. Water Quality Considerations - no Section 401 water quality certification is being requested for the proposed project.
4. Flood Plain Management. The proposed action is located in the flood plain and has been evaluated for adherence to the requirement of the order. No practicable alternative to the project being located within the floodplain exists. The action will be in compliance with State/local flood plain protection standards and Executive Order 11988, Flood Plain Management.
5. Protection of Wetlands, Executive Order 11900. This project will not affect wetlands.
6. Protection and Enhancement of the Cultural Environment, Executive Order 11593. The proposed plan does not affect any known National Register criteria.
7. Threatened and Endangered Species Act. Informal consultation with the U.S. Fish and Wildlife Service has been conducted the determination that no threatened or endangered species will be adversely affected by the proposed action.
8. Executive Order 11988, "Floodplain Management" (42 U.S.C. 4321)





As the Nation's principal conservation agency, the Department of the Interior has the responsibility for most of our nationally owned public lands and natural and cultural resources. This includes fostering wise use of our land and water resources, preserving the environment and cultural values of our national parks and historic places, and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to insure that their development is in the best interest of all our people. The department also promotes the goals of Take Pride in America campaign by encouraging stewardship and citizen responsibility for the public lands and promoting citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.